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10/647,038	08/22/2003	Steve Savitz	2007P07420 US	1665

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EXAMINER
MORGAN, ROBERT W

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3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/647,038	SAVITZ ET AL.
	Examiner	Art Unit	
	Robert W. Morgan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

/Robert Morgan/

Primary Examiner, Art Unit 3626DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: page 6, line

27 "microprocessinghaving" should read "microprocessing having".

        Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

        A person shall be entitled to a patent unless –

        (b) the invention was patented or described in a printed publication in this or a foreign country or in public
        use or on sale in this country, more than one year prior to the date of application for patent in the United
        States.

        Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,857,716 to Gombrich et al.

        As per claim 1, Gombrich et al. teaches a system for managing information

relating to a patient in a hospital environment comprising:

        --the claimed plurality of information processing systems for processing said

information relating to said patient, each of said plurality of information processing

systems being associated with a hospital function is met by the computer system (42, Fig.

1) including terminals (45, Fig.1) which are located at remote locations within the

hospital such *as* the pharmacy, laboratory, supply room, radiology and billing

departments (see: column 8, lines 23-30);

        --the claimed portable data terminal for receipt and transmission of said

information relating to said patient is met by the portable bar code reading device (48,

Fig. 1) used to read and transmit information on a patient's identification bracelet (52, Fig. 3) (see: column 8, lines 56-63); and

--the claimed control server in communication with each of said plurality of info processing systems and said portable data terminal for managing said information relating to said patient is met by the network operating system, which is usually installed on a server in a local area network, that allows user to interactively access files through a distributed file system server and virtual terminal server using high level communication protocols to ease the networking to other parts of the hospital system (see: column 12, lines 52-60 and Fig. 14).

As per claim 2, Gombrich et al. teaches the claimed plurality of information processing systems are selected from the group consisting of hospital information systems, laboratory information systems, pharmacy information systems, radiology information systems and accounting information systems (see: column 8, lines 23-30).

As per claims 3-6, Gombrich et al. teaches the use of numerous terminals (45a, 45b, 45c,Fig. 15) and a portable bar code reading device (48, Fig. 1) that communicates with the computer system (42, Fig. 1) using a network operating system (Fig. 14), which is usually installed on a server in a local area network, allowing users to interactively access files through a distributed file system server (Fig. 14) and virtual terminal server (Fig. 14) (see: column 9, lines 41 to column 10, lines 18 and column 12, lines 52-60).

As per claim 7, Gombrich et al. teaches the claimed portable data terminal includes a microprocessor, reading means, and printing means, said reading means capable of reading identification information from a patient identification code and printing a corresponding information label, and said microprocessor capable of storing

data relating to said identification information and said printed information label for

transmission to said plurality of said information systems through said control server

(see: column 11 , lines 6-58 and Fig. 10).

As per claim 8, Gombrich et al. teaches the claimed reading means is a bar code

scanner. This feature is met by the bar code wand (120, Fig. 10) used for reading the

reflection of the bars of a bar code (see: column 11, lines 22-32 and Fig. 10).

As per claim 9, Gombrich et al. teaches the claimed plurality of information

processing systems are in communication with each other through said control server.

This limitation is met by the numerous terminals (45a, 45b, 45c, Fig. 15) that are located

at remote locations within the hospital such as the pharmacy, laboratory, supply room,

radiology and billing departments and a portable bar code reading device (48, Fig. 1) that

communicates with the computer system (42, Fig. 1) using a network operating system

(Fig. 14), which is usually installed on a server in a local area network, allowing users to

interactively access files through a distributed file system server (Fig. 14) and virtual

terminal server (Fig. 14) (see: column 8, lines 23-30, column 9, lines 41 to column

10,lines 18 and column 12, lines 52-60 and Fig. 15).

As per claim 10, Gombrich et al. teaches the claimed portable data terminal is

capable of periodic communication with said control server for intermittent interfacing

with said plurality of information processing systems for receiving said information

relating to said patient from said plurality of information processing systems through said

control server and for transferring data relating to said patient from said portable data

terminal to said plurality of information processing systems through said control server.

These feature are met by the numerous terminals (45a, 45b, 45c, Fig. 15) that are located

at remote locations within the hospital such as the pharmacy, laboratory, supply room, radiology and billing departments and a portable bar code reading device (48, Fig. 1) that communicates with the computer system (42, Fig. 1) using a network operating system (Fig. 14), which is usually installed on a server in a local area network, allowing users to interactively access files through a distributed file system server (Fig. 14) and virtual terminal server (Fig. 14) (see: column 8, lines 23-30, column 9, lines 41 to column 10,lines 18 and column 12, lines 52-60 and Fig. 15).

As per claim 11, Gombrich et al. teaches the claimed periodic communication is established through radio frequency communication (see: column 9, lines 7-13).

As per claim 12, Gombrich et al. teaches a system for managing sample collection information and medication information relating to a patient in a hospital environment comprising:

--the claimed laboratory information processing system for processing said sample collection information relating to said patient is met by the bar code reading device (48, Fig. 1)that processes information regarding a patient blood sample after scanning the patient's identification bar code (see: column 15, lines 49-57);

--the claimed pharmacy information processing system for processing said medication information relating to said patient is met by the bar code reading device (48, Fig. 1) that processes information regarding a patient prescription after scanning the patient's identification bar code (see: column 13, lines 32-61);

--the claimed portable data terminal for receipt and transmission of said sample collection information and said medication information (see: column 13, lines 32-61 and column 15, lines49-57); and

--the claimed control server in one-way or two-way communication with said laboratory information processing system, said pharmacy information processing system and said portable data terminal for managing said sample collection information and said medication information relating to said patient. This feature is met by the Lab Terminal (45d, Fig. 15), Pharmacy terminal (45c, Fig. 15) and the bar code reading device (48, Fig. 15) that communicate with the computer system (42, Fig. 15) using a network operating system (Fig. 14), which is usually installed on a server in a local area network, allowing users to interactively access files through a distributed file system server (Fig. 14) and virtual terminal server (Fig. 14) (see: Fig. 15);

--the claimed portable data terminal is capable of periodic communication with said control server for intermittent interfacing with said laboratory information processing system for receiving said sample collection information relating to said patient and with said pharmacy information processing system for receiving said medication information relating to said patient, and for transferring sample collection data relating to said patient taken in response to said sample collection information from said portable data terminal to said laboratory information system and for transferring medication data relating to said patient administered in response to said medication information from said portable data terminal to said pharmacy information system. These features are met by the Lab Terminal (45d, Fig. 15), Pharmacy terminal (45c, Fig.15) and the bar code reading device (48, Fig. 15) that process information regarding a patient blood sample or prescription after scanning the patient's identification bar code (see: column 13,lines 32-61, column 15, lines 49-57 and Fig. 15).

As per claim 13, Gombrich et al. teaches a system for managing information relating to a patient in a hospital environment comprising:

--the claimed plurality of information processing systems for processing said information relating to said patient is met by the Lab Terminal (45d, Fig. 15), Pharmacy terminal (45c, Fig.15) and the bar code reading device (48, Fig. 15) that process information regarding a patient's blood sample or prescription after scanning the patient's identification bar code (see: column 13, lines 32-61, column 15, lines 49-57 and Fig. 15);

--the claimed portable data terminal for collection of data relating to assessment of said patient and transmission of said data (see: column 13, lines 32-61 and column 15, lines 49-57); and

--the claimed control server in communication with each of said plurality of information processing systems and said portable data terminal for transferring said data from said portable data terminal to said plurality of information processing systems. This feature is met by the Lab Terminal (45d, Fig. 15), Pharmacy terminal (45c, Fig. 15) and the bar code reading device (48,Fig. 15) that communicate with the computer system (42, Fig. 15) using a network operating system (Fig. 14), which is usually installed on a server in a local area network, allowing users to interactively access files through a distributed file system server (Fig. 14) and virtual terminal server (Fig. 14) (see: Fig. 15).

As per claims 14-16, Gombrich et al. teaches the use of numerous terminals (45a, 45b,45c, Fig. 15) that are located at remote locations within the hospital such as the pharmacy, laboratory, supply room, radiology and billing departments and a portable bar code reading device (48, Fig. 1) that communicates with the computer system (42, Fig. 1) using a network operating system (Fig. 14), which is usually installed on a server in a

local area network, allowing users to interactively access files through a distributed file

system server (Fig. 14) and virtual terminal server (Fig. 14) (see: column 8, lines 23-30,

column 9, lines 41 to column 10,lines 18 and column 12, lines 52-60 and Fig. 15). The

computer system (42, Fig 15) collects the data received from various terminals and stores

the data in various patient/item files for later use(see: column 12, lines 48-51). In

addition, Gombrich et al. also teaches that the portable bar code reading device (48, Fig.

1) is used to read and transmit information on a patient's identification bracelet (52, Fig.

3) (see: column 8, lines 56-63).

   As per claims 17-19, Gombrich et al. teaches a computer system (42, Fig 15) that

communicates with a Lab Terminal (45d, Fig. 15), Pharmacy terminal (45c, Fig. 15) and

a bar code reading device (48, Fig. 15). The bar code reading device reads and transmits

information stored on a patient's identification bracelet (52, Fig. 3) regarding a patients

blood sample or prescription after scanning the patient's identification bar code (see:

column 13, lines 32-61,column 15, lines 49-57 and Fig. 15). Additionally, Gombrich et

al. teaches a computer system (42, Fig 15) that uses a network operating system (Fig. 14),

which is usually installed on a server in a local area network, allowing users to

interactively access files through a distributed file system server (Fig. 14) and virtual

terminal server (Fig. 14). The computer system (42, Fig. 15) also collects and coordinates

data received from the various terminals and stores the data in various patient/item files

for later use (see: column 8, lines 56-63 and column 12, lines 48-51).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,364,834) Reuss et al. discloses integrated medical monitoring system using one patient monitor, one central monitor and one remote access device.

In related art (6,144,848) Walsh et al. teaches an interactive bi-directional telecommunication method using a handheld device to access a host computer server.

In related art (5,996,889) Fuchs et al. provides a device for monitoring and controlling the flow of materials in a hospital.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Morgan/
Primary Examiner, Art Unit 3626